

# **Allied Fishing Groups**

1360 Neilson Street / Berkeley / CA 94702 / 510.526.4049

**Black Bass Action Committee / Bass Classics of Santa Clara  
California Fly Fishers Unlimited / California Sportfishing Protection Alliance  
California Trout / California Striped Bass Association / Chico Flyfishers  
Coastside Fishing Club / Delta Fly Fishers / Diablo Valley Fly Fishermen  
E.C. Powell Fly Fishers / Fly Fishers for Conservation / Fly Fishers of Davis  
Friends of Butte Creek / Granite Bay Flycasters / Gold Country Fly Fishers  
Grizzly Peak Flyfishers / Golden Gate Angling & Casting Club  
Goldenwest Women Flyfishers / Mission Peak Fly Anglers  
NCC - Federation of Fly Fishers / NORCAL Kayak Anglers  
Pacific Coast Federation of Fishermen's Association / Palo Alto Flyfishers  
Pasadena Casting Club / Peninsula Fly Fishers / Recreational Fishing Alliance  
San Jose Flycasters / Santa Cruz Fly Fisherman / Shasta Fly Fishers  
SWC - Federation of Fly Fishers / Tracy Fly Fishers / Trout Unlimited of California  
Tri-Valley Fly Fishers / United Anglers of California  
United Pier & Shore Anglers of Calif / USA Fishing / Wilderness Fly Fishers**

May 19, 2006

Mr. Robert Schneider, Chair  
Board Members  
Attn: Pamela Creedon, Executive Officer  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, No. 200  
Rancho Cordova, California 95670-6114

This Document was sent by FAX (916-464-4645) and Mail

Re: Opposition to Conditional Waivers for Agricultural Discharges

Dear Chairman Schneider and Board Members:

The Allied Fishing Groups listed above, consisting of several hundred thousand recreational anglers and commercial fishermen, are extremely concerned regarding your proposal to re-issue conditional waivers for irrigated agriculture due to the significant failure of your previous waivers to protect the beneficial uses of the public's water resources. Many of these same groups expressed our concern to you in 2003 that the waivers were not designed to properly protect the San Francisco Bay-Delta estuary, its tributaries and its fishery resources from the impacts of some seven million acre feet of agricultural discharges that end up in the estuary.

At that time we urged the Board to adopt provisions that would actually protect our severely impaired Delta ecosystem with sufficient provisions to identify the specific sources of pollution associated with the agricultural discharges and the enforcement provisions to ensure the appropriate reductions in polluted runoff to hold non-compliance accountable. We explained to you that it was not in the public's interest to continue to allow such extensive amounts of toxic substances into the waterways of the Delta and its tributaries due to the impacts this was having on the estuary's ecology and on its declining fishery resources.

We cited studies that demonstrated discharges from agricultural are frequently toxic to aquatic life and critical foodweb components of the estuary's ecosystem. Now, additional monitoring by U.C. Davis staff have established that nearly all agriculturally waterbodies in the Central Valley are toxic to aquatic life in violation of water quality standards. According to the Regional Board and Coalition monitoring results, thousands of miles of rivers and streams in the Central Valley, including the Sacramento and San Joaquin Rivers and Delta, are so polluted by agricultural discharges that they are unsafe for fishing, swimming, and drinking.

It is clear that the make-shift program the Board opted for in order to use Conditional Ag Waivers is a failure. The program did not compel compliance with its own requirements, lacked accountability by failing to require dischargers to identify themselves and sent the wrong message to agricultural discharges by failing to require that they control their waste water discharge just as the state requires thousands of other dischargers to the public's waters to control their discharges.

Unfortunately while this program was being started, the Delta ecosystem has gone from bad to worse. Today, key pelagic organisms are on the verge of collapse. Biologists point to degraded water quality in the Delta as one of the probable principal causes. Given the condition of the estuary, the numerous species of fish now listed under the state and federal Endangered Species Acts and the long term declines of many other species, it time to stop destroying the public's fishery resources by allowing huge amounts of toxic flows to be discharged into the Delta.

Given the available information on the decline of the estuary and its fishery resources and the huge sums of public money spent to address its ecological and fishery problems, it is abhorrent that the Board's Ag Waivers did not provide a toxic reduction program so essential to the restoration of the water quality of the San Francisco Bay-Delta estuary. You are now poised to compound this situation with by extending a Conditional Ag Waiver that does not correct these serious flaws!

Your Board has repeatedly been urged to adopt General Waste Discharge Requirements (GWDRs), rather than a waiver, as they provide the most effective and enforceable approach for addressing agricultural pollution. Unfortunately, you do not have a draft GWDR to compare with your proposed waiver. We believe it is appropriate for you to direct your staff to produce a GWDR so the Board can compare the advantages and disadvantages of both side by side.

If the Board is determined to utilize the Ag Waiver, we urge you to correct the flaws of your past waivers and ensure they be made as effective, enforceable, and as practical as GWDRs. It is essential that they include performance goals and yardsticks to require measurable reductions in pollution mass loading. All of these measures should have enforceable timelines. In addition, such waivers should include the following provisions:

All dischargers must file “notices of intent to comply” with the waiver and prepare individual farm-based Pollution Prevention Plans,  
Coalitions must develop management plans that address all water quality standards,

They must comply with established requirements for discharges to groundwater and surface waters, and their waivers need to contain meaningful deterrents for non-compliance,

The monitoring component must include independent third party monitoring and fees to support at least the 18.5 PYs authorized to oversee the program.

These provision are essential if Central Valley Regional Board’s waivers are to responsibility protect the beneficial uses of the public’s waters. They would also allow the Board to appropriately determine who is participating in the waiver program, who is actually discharging, what pollutants are being discharged, and who has or has not implemented Best Management Practices. Given the crisis faced by the estuary, its collapsing pelagic ecosystem and many of its fishery resources, we urge the Board to act now to develop an agricultural runoff program that complies with the law and properly addresses impacts to the public’s waters, the Bay-Delta estuary and its fishery resources.

Sincerely,

John Beuttler,  
On Behalf of the Allied Fishing Groups